



**March 2, 2018**  
**Board Room 3**  
**9:00 a.m.**

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**Call to Order – Steven A. Linas, O.D., Board President**

- Welcome
- Emergency Egress Procedures

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**Ordering of Agenda – Dr. Linas**

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**Public Comment – Dr. Linas**

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulatory process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

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**Approval of Minutes – Dr. Linas**

**Pages 2-13**

- August 15, 2017, Full Board Meeting
- August 15, 2017, Formal Hearing
- October 19, 2017, Formal Hearing
- October 19, 2017, Special Session – Telephone Conference Call
- November 3, 2017, Board Meeting – Consideration of Consent Order

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**Director's Report – Dr. Brown**

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**Legislative/Regulatory Update – Elaine Yeatts**

**Pages 14-47**

- 2018 Legislative Update
- 2019 Legislative Proposals (review 2018 proposal)
- Update on Proposed Regulations
- Prescribing Opioids – Adopt proposed regulations (action item)
- Petitions for Rulemaking
  - Request for Inactive License (action item)
  - Request to Approve National Glaucoma Society as CE Provider (action item)
- Revenue, Expenditures and Cash Balance Analysis – Consideration of change of renewal date and/or renewal fee decrease (action item)

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**Discussion Items – Leslie Knachel**

**Pages 48-49**

- Update on continuing education audit
- Presentation on new DHP logo
- ARBO 2018 Annual Meeting – Denver, CO

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**Board Counsel Report – Charis Mitchell**

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**President's Report – Dr. Linas**

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**Board of Health Professions Report – Dr. Clayton-Jeter**

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**Staff Reports**

**Page 50**

- Executive Director's Report – **Leslie Knachel**
- Discipline Report and Training – **Amanda Blount**

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**New Business – Dr. Linas**

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**Next Meeting – July 13, 2018**

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**Meeting Adjournment – Dr. Linas**

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**BOARD OF OPTOMETRY  
FULL BOARD MEETING  
AUGUST 15, 2017**

**TIME AND PLACE:** The Board of Optometry (Board) meeting was called to order at 8:32 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, Virginia 23233.

**PRESIDING OFFICER:** Steven A. Linas, O.D., Chair

**MEMBERS PRESENT:** Devon Cabot, Citizen Member  
Helene Clayton-Jeter, O.D.  
Fred E. Goldberg, O.D.  
Clifford A. Roffis, O.D.  
Lisa Wallace-Davis, O.D.

**MEMBERS NOT PRESENT:** All members were present.

**STAFF PRESENT:** David E. Brown, D.C., Deputy Director  
Leslie L. Knachel, Executive Director  
Charis Mitchell, Assistant Attorney General, Board Counsel  
Amanda E. M. Blount, Deputy Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Carol Stamey, Operations Manager  
Tamara Farmer, Licensing Administrative Assistant

**OTHERS PRESENT:** Bo Keeney, Virginia Optometric Association  
Mark Hickman, Commonwealth Strategy Group/VA Society of Eye Physicians and Surgeons

**QUORUM:** With six members of the Board present, a quorum was established.

**ORDERING OF AGENDA** No changes or additions were made to the agenda.

**PUBLIC COMMENT:** No public comment was presented.

**APPROVAL OF MINUTES:** Dr. Goldberg moved to approve the meeting minutes of the July 21, 2017, as presented. The motion was seconded and carried.

**DIRECTOR'S REPORT:** The Director's Report was deferred until later in the meeting.

**LEGISLATIVE/REGULATORY UPDATE:** **Periodic Review**

- **Review draft proposed regulations**  
Ms. Yeatts presented the draft regulations as discussed at the previous board meeting for its consideration and adoption.

**Director's Report**  
Dr. Brown reported that there were no updates since the Board's recent meeting. Dr. Brown thanked the board members for their attendance to a second meeting in a short span of time in order to move a regulatory action forward in a timely manner.

**LEGISLATIVE/REGULATORY  
UPDATE CONTINUED:**

**Periodic Review Continued**

- **Review draft proposed regulations continued**  
The board discussed the proposed language presented in 18VAC105-20-45(5).

Dr. Clayton-Jeter moved to make the following amendments to 18VAC105-20-45:

- Revise number 5 to read: *The date of the examination.*
- Add a number 6 to read: *If an expiration date is placed on a prescription for ophthalmic goods, the date shall be not less than one year unless the medical reason for a shorter expiration date is documented in the patient record.*

The motion was seconded and carried.

- **Adopt proposed regulations**  
Dr. Goldberg moved to adopt the proposed regulations as amended. The motion was seconded and carried.

**NEW BUSINESS:**

No new business was presented.

**ADJOURNMENT:**

The meeting adjourned at 9:10 a.m.

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Steven A. Linas, O.D.  
Chair

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Leslie L. Knachel, M.P.H.  
Executive Director

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF OPTOMETRY**  
**FORMAL HEARING MINUTES**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 2**  
**HENRICO, VA**  
**August 15, 2017**

**CALL TO ORDER:** The meeting of the Virginia Board of Optometry (Board) was called to order at 9:20 a.m., on August 15, 2017, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, Virginia.

**PRESIDING OFFICER:** Steven A. Linas, O.D., Chairperson

**MEMBERS PRESENT:** Devon Cabot, Citizen Member  
Helene Clayton-Jeter, O.D.  
Fred E. Goldberg, O.D.

**MEMBERS EXCUSED:** Lisa G. Wallace-Davis, O.D.  
Clifford A. Roffis, O.D.

**QUORUM:** With four members of the Board present, a quorum was established.

**STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Terri H. Behr, Discipline/Compliance Specialist

**BOARD COUNSEL:** Charis A. Mitchell, Assistant Attorney General

**COURT REPORTER:** Juan Ortega, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF THE COMMONWEALTH:** James E. Schliessmann, Senior Assistant Attorney General  
Emily E. Tatum, Adjudication Specialist

**MATTER SCHEDULED:** **Diana Thao Tran, O.D.**  
**License No.: 0618-001343**  
**Case Nos.: 154934, 155012, 158304, 160741, 163385, 168725, 170737 & 172595**

The first and second day of this hearing took place on June 5, 2017 and June 12, 2017, wherein the panel received testimony from various witnesses for the Commonwealth, Dr. Tran, and an expert witness called by Dr. Tran. On June 12, 2017, by agreement of all parties, the hearing was recessed and was to be scheduled to reconvene on another day for the Board's deliberation and to announce the Board's decision. Dr. Tran and her counsel, Robert Harrison Gibbs, Jr., Esquire, did not appear.

**CLOSED SESSION:**

Ms. Cabot moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Diana Thao Tran, O.D.**, Additionally, she moved that Ms. Knachel and Ms. Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENE:**

Ms. Cabot moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Cabot moved to issue an Order Reprimanding Dr. Tran and imposing a \$25,000.00 monetary penalty. Ms. Cabot also moved that Dr. Tran be placed on probation for no less than three years, with certain terms and conditions.

Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

The Formal Hearing adjourned at 2:24 p.m.

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Steven A. Linas, O.D., Chairperson

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Leslie L. Knachel, M.P.H., Executive Director

DRAFT

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF OPTOMETRY**  
**FORMAL HEARING MINUTES**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 2**  
**HENRICO, VA**  
**October 19, 2017**

**CALL TO ORDER:** The meeting of the Virginia Board of Optometry (Board) was called to order at 1:08 p.m., on October 19, 2017, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, Virginia.

**PRESIDING OFFICER:** Steven A. Linas, O.D., Chairperson

**MEMBERS PRESENT:** Devon Cabot, Citizen Member  
Helene Clayton-Jeter, O.D.  
Fred E. Goldberg, O.D.

**MEMBERS EXCUSED:** Lisa G. Wallace-Davis, O.D.  
Clifford A. Roffis, O.D.

**QUORUM:** With four members of the Board present, a quorum was established.

**STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Terri H. Behr, Discipline/Compliance Specialist

**BOARD COUNSEL:** Charis A. Mitchell, Assistant Attorney General

**COURT REPORTER:** Theresa J. Pata, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF THE COMMONWEALTH:** Emily E. Tatum, Adjudication Specialist

**MATTER SCHEDULED:** **William J. Benjamin, Jr., O.D. Applicant**  
**Case No.: 175878**

Dr. Benjamin appeared before the Board in accordance with a Notice of Formal Hearing dated September 13, 2017. Dr. Benjamin was represented by counsel, Julia Krebs-Markrich, Esquire. The Board received evidence from the Commonwealth and Ms. Krebs-Markrich

regarding Dr. Benjamin's application for licensure to practice optometry in the Commonwealth of Virginia, and evidence that grounds may exist to deny his application.

**CLOSED SESSION:**

Dr. Goldberg moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **William J. Benjamin, Jr., O.D. Applicant**. Additionally, he moved that Ms. Knachel and Ms. Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENE:**

Dr. Goldberg moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Ms. Cabot moved to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth, amended by the Board, and read by Ms. Mitchell.

Dr. Clayton-Jeter moved to issue an Order approving Dr. Benjamin's application to practice optometry in the Commonwealth of Virginia, with a license to be issued upon submission of passing scores for the Treatment and Management of Ocular Disease examination.

Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

The Formal Hearing adjourned at 2:54 p.m.



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Steven A. Linas, O.D., Chairperson

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Leslie L. Knachel, M.P.H., Executive Director

DRAFT

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF OPTOMETRY**  
**SPECIAL SESSION – TELEPHONE CONFERENCE CALL**  
**OCTOBER 19, 2017**  
**MINUTES**

- CALL TO ORDER:** Pursuant to § 54.1-2400(13) of the Code of Virginia, a telephone conference call of the Virginia Board of Optometry (“Board”) was called to order on October 19, 2017, at 9:01 a.m., to consider a Consent Order for possible resolution of Case No. 172973.
- PRESIDING:** Helene Clayton-Jeter, O.D. - Chair
- MEMBERS PRESENT:** Devon Cabot, Citizen Member  
Fred E. Goldberg, O.D.  
Lisa G. Wallace-Davis, O.D.
- MEMBERS EXCUSED:** Steven A. Linas, O.D.  
Clifford A. Roffis, O.D.
- QUORUM:** With four members of the Board participating, a quorum was established.
- STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Terri H. Behr, Discipline/Compliance Specialist
- BOARD COUNSEL:** Charis A. Mitchell, Assistant Attorney General
- AMIR GHASSEM ABYANEH, O.D.  
CASE NO. 172973** The Board received information from Ms. Blount regarding a Consent Order signed by Amir Ghassem Abyaneh, O.D., for the resolution of Case No. 172973 in lieu of proceeding with a formal administrative hearing.
- CLOSED SESSION:** Ms. Cabot moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia (“Code”) for the purpose of deliberation to reach a decision in the matter of Case No. 172973. Additionally, she moved that Ms. Mitchell and Ms. Knachel attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.
- RECONVENE:** Ms. Cabot moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only

such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Dr. Goldberg moved that the Board accept the Consent Order as presented in lieu of proceeding with a formal administrative hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

The meeting was adjourned at 9:19 a.m.

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Helene Clayton-Jeter, O.D., Chairperson

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Leslie L. Knachel, M.P.H., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF OPTOMETRY**  
**CONSIDERATION OF POSSIBLE RESOLUTION OF CASE NO. 177304**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 2**  
**HENRICO, VA**  
**NOVEMBER 3, 2017**  
**MINUTES**

**CALL TO ORDER:** The meeting of the Virginia Board of Optometry was called to order at 9:01 a.m., on November 3, 2017, at the Virginia Department of Health Professions, Perimeter Center, 2<sup>nd</sup> Floor Conference Center, Board Room 2, 9960 Mayland Drive, Henrico, VA 23233.

**PRESIDING:** Helene Clayton-Jeter, O.D., Vice-President

**MEMBERS PRESENT:** Fred E. Goldberg, O.D.  
Clifford A. Roffis, O.D.  
Lisa Wallace-Davis, O.D.

**MEMBERS ABSENT:** Devon Cabot, Citizen Member  
Steven A. Linas, O.D., President

**QUORUM:** With four members of the Board participating, a quorum was established.

**STAFF PRESENT:** Leslie L. Knachel, Executive Director  
Amanda E. M. Blount, Deputy Executive Director  
Carol Stamey, Licensing Operations Manager

**BOARD COUNSEL:** Charis A. Mitchell, Assistant Attorney General

**CASE NO. 177304** The Board received information from Ms. Blount regarding a Consent Order for possible resolution of Case No. 177304 in lieu of a formal hearing.

**CLOSED SESSION:** Dr. Goldberg moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of Case No. 177304. Additionally, he moved that Ms. Mitchell, Ms. Knachel and Ms. Blount attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

**RECONVENE:** Dr. Goldberg moved that the Board certify that it heard, discussed or considered only public business matters

lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:**

Dr. Goldberg moved that the Board accept the Consent Order for Case No. 177304 in lieu of proceeding with a formal hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

**ADJOURNMENT:**

The meeting was adjourned at 9:52 a.m.

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Helene Clayton-Jeter, O.D., Vice-President

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Leslie L. Knachel, M.P.H., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Report of the 2018 General Assembly

### Board of Optometry

#### **HB 793 Nurse practitioners; practice agreements.**

*Chief patron:* Robinson

*Summary as passed House:*

**Nurse practitioners; practice agreements.** Eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who have been licensed as a nurse practitioner by the Boards of Medicine and Nursing, graduated from a nurse practitioner educational program accredited by the Commission on Collegiate Nursing Education, completed at least five years of full-time clinical experience as a licensed, certified nurse practitioner, and submitted an attestation from his patient care team physician stating that the patient care team physician routinely practices in the same specialty practice category as the nurse practitioner and that the nurse practitioner meets the requirements for practice without a practice agreement. The bill establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, and certified nurse midwives. The bill contains technical amendments.

02/12/18 House: Read third time and passed House (93-Y 6-N)

02/12/18 House: VOTE: PASSAGE (93-Y 6-N)

02/13/18 Senate: Constitutional reading dispensed

02/13/18 Senate: Referred to Committee on Education and Health

02/16/18 Senate: Assigned Education sub: Health Professions

#### **HB 1556 Prescription Monitoring Program; adds controlled substances included in Schedule V and naloxone.**

*Chief patron:* Pillion

*Summary as introduced:*

**Prescription Monitoring Program; covered substances.** Adds controlled substances included in Schedule V for which a prescription is required and naloxone to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program.

02/07/18 House: VOTE: PASSAGE (95-Y 2-N)

02/08/18 Senate: Constitutional reading dispensed

02/08/18 Senate: Referred to Committee on Education and Health

02/15/18 Senate: Reported from Education and Health (15-Y 0-N)

02/16/18 Senate: Constitutional reading dispensed (38-Y 0-N)

**SB 258 Subpoenas; issuance by Director of Department of Health Professions or his designee.**

*Chief patron:* Petersen

*Summary as passed Senate:*

**Department of Health Professions; subpoenas.** Provides that a subpoena issued by the Director of the Department of Health Professions or his designee may be delivered by (i) any person authorized to serve process under § 8.01-293, (ii) investigative personnel appointed by the Director, (iii) registered or certified mail or by equivalent commercial parcel delivery service, or (iv) email or facsimile if requested to do so by the recipient. The bill provides that upon failure of any person to comply with a subpoena, the Director may request that the Attorney General or the attorney for the Commonwealth for the jurisdiction in which the recipient of the subpoena resides, is found, or transacts business seek enforcement of the subpoena.

01/23/18 Senate: Impact statement from VDH (SB258E)

01/29/18 House: Placed on Calendar

01/29/18 House: Read first time

01/29/18 House: Referred to Committee for Courts of Justice

02/15/18 House: Assigned Courts sub: Subcommittee #2

**SB 330 THC-A oil; dispensing, tetrahydrocannabinol levels.**

*Chief patron:* Dunnivant

*Summary as passed Senate:*

**CBD and THC-A oil.** Adds cannabidiol oil (CBD oil) or THC-A oil to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. The bill requires a practitioner who issues a written certification for CBD oil or THC-A oil to request information from the Director of the Department of Health Professions for the purpose of determining what other covered substances have been dispensed to the patient.

The bill requires the Board of Pharmacy to promulgate regulations that include requirements for (i) a process for registering a CBD oil and THC-A oil product; and (ii) a requirement for an applicant for a pharmaceutical processor permit to have a criminal background check through the Central Criminal Records Exchange to the Federal Bureau of Investigation. The bill requires a pharmacist or pharmacy technician, prior to the initial dispensing of each written certification to (a) make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible, (b) view a current photo identification of the patient, parent, or legal guardian, and (c) verify current board registration of the practitioner and the corresponding patient, parent, or legal guardian. The bill requires that prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent to view the current written certification, a current photo

identification of the patient, parent, or legal guardian, and the current board registration issued to the patient, parent, or legal guardian.

Finally, the bill requires a pharmaceutical processor to (i) ensure the percentage of tetrahydrocannabinol in any THC-A oil on site is within 10 percent of the level of tetrahydrocannabinol measured for labeling and to establish a stability testing schedule of THC-A oil.

01/23/18 House: Placed on Calendar

01/23/18 House: Read first time

01/23/18 House: Referred to Committee on Health, Welfare and Institutions

01/23/18 Senate: Impact statement from VDH (SB330S1)

02/16/18 House: Assigned HWI sub: Subcommittee #2

### **SB 511 Optometry; scope of practice.**

*Chief patron:* Suetterlein

*Summary as passed Senate:*

**Optometry; scope of practice.** Provides that the practice of optometry includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies but that it does not include treatment through surgery, including laser surgery, other invasive modalities, or the use of injections, except for certain injections by TPA-certified optometrists and for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine. The bill authorizes a TPA-certified optometrist to administer therapeutic pharmaceutical agents by injection for the treatment of chalazia through a Schedule VI steroid provided that the optometrist has completed certain training requirements and has provided certification of such training to the Board of Optometry.

02/05/18 House: Placed on Calendar

02/05/18 House: Read first time

02/05/18 House: Referred to Committee on Health, Welfare and Institutions

02/08/18 Senate: Impact statement from VDH (SB511S1)

02/15/18 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N)

### **SB 632 Controlled substances; limits on prescriptions containing opioids.**

*Chief patron:* Dunnavant

*Summary as introduced:*

**Limits on prescription of controlled substances containing opioids.** Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days.



Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022.

02/01/18 Senate: Impact statement from VDH (SB632)

02/05/18 House: Placed on Calendar

02/05/18 House: Read first time

02/05/18 House: Referred to Committee on Health, Welfare and Institutions

02/15/18 House: Reported from Health, Welfare and Institutions (22-Y 0-N)

**SB 918 Professional and occupational regulation; authority to suspend or revoke licenses, certificates.**

*Chief patron:* Ebbin

*Summary as introduced:*

**Department of Health Professions; suspension of license; nonpayment of student loans.**

Repeals provisions authorizing an obligee to petition for and a circuit court to order the suspension of any state-issued license to engage in a health care profession or occupation when an obligor is delinquent or in default in the payment of a federally guaranteed or state-guaranteed educational loan or work-conditional scholarship.

02/12/18 Senate: Constitutional reading dispensed (40-Y 0-N)

02/12/18 Senate: Passed Senate (40-Y 0-N)

02/15/18 House: Placed on Calendar

02/15/18 House: Read first time

02/15/18 House: Referred to Committee on Health, Welfare and Institutions

18105985D

SENATE BILL NO. 511  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Education and Health  
on January 25, 2018)  
(Patron Prior to Substitute—Senator Suetterlein)

A BILL to amend and reenact §§ 54.1-3200 and 54.1-3222 of the Code of Virginia, relating to optometry; scope of practice.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3200 and 54.1-3222 of the Code of Virginia are amended and reenacted as follows: § 54.1-3200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises, visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises, visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter. The practice of optometry also includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies. However, the practice of optometry does not include treatment through surgery, including laser surgery, other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to Article 5 (§ 54.1-3222 et seq.). Such certification shall enable an optometrist to prescribe and administer Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as determined by the Board. Such certification shall not, however, permit treatment through surgery, including, but not limited to, laser surgery, other invasive modalities, or the use of injections, including venipuncture and intravenous injections, except as provided in § 54.1-3222 or for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

The foregoing shall not restrict the authority of any optometrist licensed or certified under this chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by optometrists, if such activities or functions are authorized by and performed for such optometrists and responsibility for such activities or functions is assumed by such optometrists.

§ 54.1-3222. TPA certification; certification for treatment of diseases or abnormal conditions with therapeutic pharmaceutical agents (TPAs).

A. The Board shall certify an optometrist to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents (TPAs), if the optometrist files a written application, accompanied by the fee required by the Board and satisfactory proof that the applicant:

1. Is licensed by the Board as an optometrist and certified to administer diagnostic pharmaceutical agents pursuant to Article 4 (§ 54.1-3220 et seq.);

2. Has satisfactorily completed such didactic and clinical training programs for the treatment of diseases and abnormal conditions of the eye and its adnexa as are determined, after consultation with a school or college of optometry and a school of medicine, to be reasonable and necessary by the Board

SENATE SUBSTITUTE

SB511S1

2/14/18 17:19

60 to ensure an appropriate standard of medical care for patients; and

61 3. Passes such examinations as are determined to be reasonable and necessary by the Board to ensure  
62 an appropriate standard of medical care for patients.

63 B. TPA certification shall enable an optometrist to prescribe and administer, within his scope of  
64 practice, Schedule II controlled substances consisting of hydrocodone in combination with  
65 acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug  
66 Control Act (§ 54.1-3400 et seq.) to treat diseases and abnormal conditions of the human eye and its  
67 adnexa as determined by the Board, within the following conditions:

68 1. Treatment with oral therapeutic pharmaceutical agents shall be limited to (i) analgesics included on  
69 Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et  
70 seq.) consisting of hydrocodone in combination with acetaminophen, and analgesics included on  
71 Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act, which are  
72 appropriate to alleviate ocular pain and (ii) other Schedule VI controlled substances as defined in  
73 § 54.1-3455 of the Drug Control Act appropriate to treat diseases and abnormal conditions of the human  
74 eye and its adnexa.

75 2. Therapeutic pharmaceutical agents shall include topically applied Schedule VI drugs as defined in  
76 § 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.).

77 3. Administration of therapeutic pharmaceutical agents by injection shall be limited to the treatment  
78 of chalazia through a steroid included in Schedule VI controlled substances as set forth in § 54.1-3455  
79 of the Drug Control Act (§ 54.1-3400 et seq.). Training for injections authorized by this subdivision  
80 shall include a didactic and clinical injection course provided by an accredited school or college of  
81 optometry. Certification of such course completion shall be provided to the Board prior to performing  
82 any injections authorized by this subdivision.

83 4. Treatment of angle closure glaucoma shall be limited to initiation of immediate emergency care.

84 4. 5. Treatment of infantile or congenital glaucoma shall be prohibited.

85 5. 6. Treatment through surgery or other invasive modalities shall not be permitted, except as  
86 provided in subdivision 3 or for treatment of emergency cases of anaphylactic shock with intramuscular  
87 epinephrine.

88 6. 7. Entities permitted or licensed by the Board of Pharmacy to distribute or dispense drugs,  
89 including, but not limited to, wholesale distributors and pharmacists, shall be authorized to supply  
90 TPA-certified optometrists with those therapeutic pharmaceutical agents specified by the Board on the  
91 TPA-Formulary.

by means of injection of

training

A TPA-certified optometrist shall provide written evidence to the Board that he has completed

that includes training in adm. of TPAs by injection prior to administering TPAs by injection pursuant to

2018 SESSION  
(SB511)

AMENDMENT(S) PROPOSED BY THE HOUSE

HEALTH, WELFARE AND INSTITUTIONS

1. Line 78, engrossed, after *chalazia*

strike

*through*

insert

*by means of injection of*

HEALTH, WELFARE AND INSTITUTIONS

2. Line 79, engrossed, after *et seq.*)

strike

the remainder of line 79 and through *include* on line 80

insert

*A TPA-certified optometrist shall provide written evidence to the Board that he has completed*

HEALTH, WELFARE AND INSTITUTIONS

3. Line 80, engrossed, after *clinical*

strike

*injection*

insert

*training*

HEALTH, WELFARE AND INSTITUTIONS

4. Line 81, engrossed, after *optometry*

strike

the remainder of line 81 through *by* on line 82

insert

*that includes training in administration of TPAs by injection prior to administering TPAs by injection  
pursuant to*

## 2018 Session of the General Assembly

### Department of Health Professions

A BILL to amend the *Code of Virginia* by amending §§ 54.1-3202, 54.1-3211, 54.1-3213, 54.1-3215, 54.1-3221, 54.1-3222, and 54.1-3223, and by repealing § 54.1-3220 to update and clarify statutory provisions governing the practice of optometry.

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 54.1-3202, 54.1-3211, 54.1-3213, 54.1-3215, 54.1-3221, 54.1-3222, and 54.1-3223 of the *Code of Virginia* are amended and reenacted and § 54.1-3220 is repealed as follows:

#### § 54.1-3202. Exemptions.

This chapter shall not apply to:

1. Physicians licensed to practice medicine by the Board of Medicine or to prohibit the sale of nonprescription eyeglasses and sunglasses; ~~or~~
2. Any optometrist rendering free health care to an underserved population in Virginia who (i) does not regularly practice optometry in Virginia, (ii) holds a current valid license or certificate to practice optometry in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care in an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of his license or certification in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any optometrist whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow an optometrist who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or
3. Any student, intern or trainee in optometry, engaged in a course of study at an accredited university or college under the direct supervision of a licensed optometrist or ophthalmologist, while performing optometric services constituting a part of his supervised course of study.

#### § 54.1-3211. Examination.

The Board shall set the necessary standards to be attained in the examinations to entitle the candidate to receive a license to practice optometry.

~~The examination shall be given at least semiannually if there are any candidates who have applied to the Board for examination at least 30 days before the date for the examination.~~

~~The examination shall include anatomy; physiology; pathology; general and ocular pharmacology designed to test knowledge of the proper use, characteristics, pharmacological effects, indications, contraindications and emergency care associated with the use of diagnostic pharmaceutical agents; and the use of the appropriate instruments.~~

The Board may determine a score that it considers satisfactory on any written examination of the National Board of Examiners in Optometry. ~~The Board may waive its examination for a person who achieves a satisfactory score on the examination of the National Board of Examiners in Optometry.~~

Those persons licensed on or before June 30, 1997, to practice optometry in this state but not certified to administer diagnostic pharmaceutical agents may continue to practice optometry but may not administer diagnostic pharmaceutical agents without satisfying the requirements of this section. Those persons licensed after June 30, 1997, shall be considered as certified to administer diagnostic pharmaceutical agents. After June 30, 2004, every person who is initially licensed to practice optometry in Virginia shall meet the qualifications for a TPA-certified optometrist.

#### **§ 54.1-3213. Issuance of license; fee; renewal.**

Every candidate successfully passing the examination shall be licensed by the Board as ~~possessing~~ if such candidate possesses the qualifications required by law and regulation to practice optometry.

~~The fee for examination and licensure shall be prescribed by the Board and shall be paid to the executive director of the Board by the applicant upon filing his application.~~

Every license to practice optometry granted under the provisions of this chapter shall be renewed at such time, in such manner and upon payment of such fees as the Board may prescribe.

#### **§ 54.1-3215. Reprimand, revocation and suspension.**

The Board may ~~revoke or suspend a license or reprimand the licensee~~ refuse to admit an applicant to any examination; refuse to grant or renew a license or certificate; or reprimand, impose a monetary penalty, place on probation, impose such terms as it may designate, suspend for a stated period of time or indefinitely, or revoke any license or certificate for any of the following causes:

1. Fraud or deceit in his practice;

2. Conviction of any felony under the laws of the Commonwealth, another state, the District of Columbia or any United States possession or territory or of any misdemeanor under such laws involving moral turpitude;
3. Conducting his practice in such a manner as to endanger the health and welfare of his patients or the public;
4. Use of alcohol or drugs to the extent such use renders him unsafe to practice optometry or mental or physical illness rendering him unsafe to practice optometry;
5. Knowingly and willfully employing an unlicensed person to do anything for which a license to practice optometry is required;
6. ~~Practicing optometry while suffering from any infectious or contagious disease;~~
7. Neglecting or refusing to display his license and the renewal receipt for the current year;
- ~~8.~~7. Obtaining of any fee by fraud or misrepresentation or the practice of deception or fraud upon any patient;
- ~~9.~~8. Advertising which directly or indirectly deceives, misleads or defrauds the public, claims professional superiority, or offers free optometrical services or examinations;
- ~~10.~~9. Employing, procuring, or inducing a person not licensed to practice optometry to so practice;
- ~~11.~~10. Aiding or abetting in the practice of optometry any person not duly licensed to practice in this Commonwealth;
- ~~12.~~11. Advertising, practicing or attempting to practice optometry under a name other than one's own name as set forth on the license;
- ~~13.~~12. Lending, leasing, renting or in any other manner placing his license at the disposal or in the service of any person not licensed to practice optometry in this Commonwealth;
- ~~14.~~13. Splitting or dividing a fee with any person or persons other than with a licensed optometrist who is a legal partner or comember of a professional limited liability company formed to engage in the practice of optometry;
- ~~15.~~14. Practicing optometry where any officer, employee, or agent of a commercial or mercantile establishment, as defined in subsection C of § 54.1-3205, who is not licensed in Virginia to practice optometry or medicine directly or indirectly controls, dictates, or influences the professional judgment, including but not limited to the level or type of care or services rendered, of the licensed optometrist;
- ~~16.~~15. Violating other standards of conduct as adopted by the Board;

17.16. Violating, assisting, inducing or cooperating with others in violating any provisions of law relating to the practice of optometry, including the provisions of this chapter, or of any regulation of the Board.

**§ 54.1-3219. Continuing education.**

A. As a prerequisite to renewal of a license or reinstatement of a license, each optometrist shall be required to complete 20 hours of continuing education relating to optometry, as approved by the Board, each year. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle. The courses shall include, but need not be limited to, the utilization and application of new techniques, scientific and clinical advances, and new achievements of research. The Board shall prescribe criteria for approval of courses of study. ~~The Board may approve alternative courses upon timely application of any licensee.~~ Fulfillment of education requirements shall be certified to the Board upon a form provided by the Board and shall be submitted by each licensed optometrist at the time he applies to the Board for the renewal of his license. The Board may waive individual requirements in cases of certified illness or undue hardship.

B. Of the 20 hours of continuing education relating to optometry required pursuant to subsection A:

1. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another;

2. No more than two hours may consist of courses related to recordkeeping, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products; and

3. For TPA-certified optometrists, at least 10 hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.

C. Nothing in this subsection shall prevent or limit the authority of the Board to require additional hours or types of continuing education as part or in lieu of disciplinary action.

**§ 54.1-3220. Certification for administration of diagnostic pharmaceutical agents. (Repealed).**

~~In order to become certified to administer diagnostic pharmaceutical agents for the purpose of examining and determining abnormal or diseased conditions of the human eye or related structures, an optometrist shall:~~



~~1. Complete successfully a Board-approved course in general and ocular pharmacology as it relates to the practice of optometry which shall consist of at least fifty-five classroom hours including a minimum of fifteen classroom hours in general pharmacology, twenty classroom hours in ocular pharmacology and twenty classroom hours of clinical laboratory presented by a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the Council on Post Secondary Accreditation or by the United States Department of Education.~~

~~2. Pass a Board-approved, performance-based examination on general and ocular pharmacology designed to test knowledge of the proper use, characteristics, pharmacological effects, indications, contraindications and emergency care associated with the use of diagnostic pharmaceutical agents as defined in this article.~~

**§ 54.1-3221. "Diagnostic pharmaceutical agents" defined; utilization; acquisition.**

~~A. Certified optometrists~~ Optometrists certified to administer diagnostic pharmaceutical agents or optometrists licensed after June 30, 1997 may administer diagnostic pharmaceutical agents only by topical application to the human eye. "Diagnostic pharmaceutical agents" shall be defined as Schedule VI controlled substances as set forth in the Drug Control Act (§ 54.1-3400 et seq.) that are used for the purpose of examining and determining abnormal or diseased conditions of the human eye or related structures.

~~B. Any optometrist who utilizes diagnostic pharmaceutical agents without being certified as required by this article to administer diagnostic pharmaceutical agents or licensed after June 30, 1997~~ shall be subject to the disciplinary sanctions provided in this chapter.

~~C. Licensed drug suppliers or pharmacists are authorized to supply optometrists with diagnostic pharmaceutical agents upon presentation of evidence of Board certification for administration of such drugs or an optometrist license issued after June 30, 1997.~~

**§ 54.1-3222. TPA certification; certification for treatment of diseases or abnormal conditions with therapeutic pharmaceutical agents (TPAs).**

A. The Board shall certify an optometrist to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents (TPAs), if the optometrist files a written application, accompanied by the fee required by the Board and satisfactory proof that the applicant:

~~1. Is licensed qualified for licensure by the Board as an optometrist and certified to administer diagnostic pharmaceutical agents pursuant to Article 4 (§ 54.1-3220 et seq.);~~

~~2. Has satisfactorily completed such didactic and clinical training programs for the treatment of diseases and abnormal conditions of the eye and its adnexa as are determined, after consultation with a school or college of optometry and a school of medicine, to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients; and~~

3. Passes such examinations as are determined to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients.

B. TPA certification shall enable an optometrist to prescribe and administer, within his scope of practice, Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases and abnormal conditions of the human eye and its adnexa as determined by the Board, within the following conditions:

1. Treatment with oral therapeutic pharmaceutical agents shall be limited to (i) analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen, and analgesics included on Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act, which are appropriate to alleviate ocular pain and (ii) other Schedule VI controlled substances as defined in § 54.1-3455 of the Drug Control Act appropriate to treat diseases and abnormal conditions of the human eye and its adnexa.

2. Therapeutic pharmaceutical agents shall include topically applied Schedule VI drugs as defined in § 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.).

3. Treatment of angle closure glaucoma shall be limited to initiation of immediate emergency care.

4. Treatment of infantile or congenital glaucoma shall be prohibited.

5. Treatment through surgery or other invasive modalities shall not be permitted, except for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

6. Entities permitted or licensed by the Board of Pharmacy to distribute or dispense drugs, including, but not limited to, wholesale distributors and pharmacists, shall be authorized to supply TPA-certified optometrists with those therapeutic pharmaceutical agents specified by the Board on the TPA-Formulary.

**§ 54.1-3223. Regulations relating to instruction and training, examination, and therapeutic pharmaceutical agents.**

A. The Board shall promulgate such regulations governing the treatment of diseases and abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents by TPA-certified optometrists as are reasonable and necessary to ensure an appropriate standard of medical care for patients, including, but not limited to, determinations of the diseases and abnormal conditions of the human eye and its adnexa that may be treated by TPA-certified optometrists, treatment guidelines, and the drugs specified on the TPA-Formulary.

~~In establishing standards of instruction and training, the Board shall consult with a school or college of optometry and a school or college of medicine and shall set a minimum number of hours of clinical training to be supervised by an ophthalmologist. The didactic and clinical~~

~~training programs may include, but need not be limited to, programs offered or designed either by schools of medicine or schools or colleges of optometry or both or some combination thereof.~~

~~The Board may prepare, administer, and grade appropriate examinations for the certification of optometrists to administer therapeutic pharmaceutical agents or may contract with a school of medicine, school or college of optometry, or other institution or entity to develop, administer, and grade the examinations.~~

In order to maintain a current and appropriate list of therapeutic pharmaceuticals on the TPA-Formulary, current and appropriate treatment guidelines, and current and appropriate determinations of diseases and abnormal conditions of the eye and its adnexa that may be treated by TPA-certified optometrists, the Board may, from time to time, amend such regulations. Such regulations shall be exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), except to any extent that they may be specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031; the Board's regulations shall, however, comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.). The Board shall, however, conduct a public hearing prior to making amendments to the TPA-Formulary, the treatment guidelines or the determinations of diseases and abnormal conditions of the eye and its adnexa that may be treated by TPA-certified optometrists. Thirty days prior to conducting such hearing, the Board shall give written notice by mail or electronic means of the date, time, and place of the hearing to all currently TPA-certified optometrists and any other persons requesting to be notified of the hearings and publish notice of its intention to amend the list in the Virginia Register of Regulations. During the public hearing, interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any TPA-Formulary amendments. Proposed and final amendments of the list shall also be published, pursuant to § 2.2-4031, in the Virginia Register of Regulations. Final amendments to the TPA-Formulary shall become effective upon filing with the Registrar of Regulations. The TPA-Formulary shall be the inclusive list of the therapeutic pharmaceutical agents that a TPA-certified optometrist may prescribe.

B. To assist in the specification of the TPA-Formulary, there shall be a seven-member TPA-Formulary Committee, as follows: three Virginia TPA-certified optometrists to be appointed by the Board of Optometry, one pharmacist appointed by the Board of Pharmacy from among its licensees, two ophthalmologists appointed by the Board of Medicine from among its licensees, and the chairman who shall be appointed by the Board of Optometry from among its members. The ophthalmologists appointed by the Board of Medicine shall have demonstrated, through professional experience, knowledge of the optometric profession. In the event the Board of Pharmacy or the Board of Medicine fails to make appointments to the TPA-Formulary Committee within 30 days following the Board of Optometry's requesting such appointments, or within 30 days following any subsequent vacancy, the Board of Optometry shall appoint such members.

The TPA-Formulary Committee shall recommend to the Board those therapeutic pharmaceutical agents to be included on the TPA-Formulary for the treatment of diseases and abnormal conditions of the eye and its adnexa by TPA-certified optometrists.

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions  
(As of February 19, 2018)**

Chapter		Action / Stage Information
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	<u>Prescribing of opioids</u> [Action 4892] Emergency/NOIRA - Register Date: 11/13/17 [Stage 8035] Emergency reg expires: 4/29/19 Proposed regs to be adopted: 3/2/18
[18 VAC 105 - 20]	Regulations of the Virginia Board of Optometry	<u>Periodic review</u> [Action 4780] Proposed - At Secretary's Office for 114 days

**Agenda Item: Board Action on Regulations for Opioid Prescribing**

**Included in your agenda package are:**

A copy of emergency regulations which became effective on October 30, 2017

A copy of the NOIRA (Notice of Intended Regulatory Action) posted on Townhall

**Staff Note:**

There were no public comments on the NOIRA.

**Board action:**

**Adoption of a proposed regulation to replace the emergency regulation - either identical to the emergency regulation or with changes in response to public comment.**

**Emergency Regulations – Effective 10/30/17 to 4/29/19**

**BOARD OF OPTOMETRY**

**Prescribing of opioids**

**18VAC105-20-5. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Acute pain" means pain that occurs within the normal course of a disease or condition for which controlled substances may be prescribed for no more than three months.

"Board" means the Virginia Board of Optometry.

"Chronic pain" means nonmalignant pain that goes beyond the normal course of a disease or condition for which controlled substances may be prescribed for a period greater than three months.

"Controlled substance" means drugs listed in The Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) in Schedules II through V.

"MME" means morphine milligram equivalent.

"NBEO" means the National Board of Examiners in Optometry.

"Prescription Monitoring Program" means the electronic system within the Department of Health Professions that monitors the dispensing of certain controlled substances.

"TPA" means therapeutic pharmaceutical agents.

"TPA certification" means authorization by the Virginia Board of Optometry for an optometrist to treat diseases and abnormal conditions of the human eye and its adnexa and to prescribe and administer certain therapeutic pharmaceutical agents.

**18VAC105-20-48. Prescribing an opioid for acute pain.**

A. Nonpharmacologic and non-opioid treatment for pain shall be given consideration prior to treatment with opioids. If an opioid is considered necessary for the treatment of acute pain, a TPA-certified optometrist shall follow the regulations for prescribing and treating with opioids.

B. Prior to initiating treatment with a controlled substance containing an opioid for a complaint of acute pain, a TPA-certified optometrist shall perform a health history and physical examination appropriate to the complaint, query the Prescription Monitoring Program as set forth in § 54.1-2522.1 of the Code of Virginia, and conduct an assessment of the patient's history and risk of substance abuse.

C. Initiation of opioid treatment for all patients with acute pain shall include the following:

1. A prescription for an opioid shall be a short-acting opioid in the lowest effective dose for the fewest number of days, not to exceed seven days as determined by the manufacturer's directions for use, unless extenuating circumstances are clearly documented in the patient record.

2. A TPA-certified optometrist shall carefully consider and document in the patient record the reasons to exceed 50 MME/day.

3. A prescription for naloxone should be considered for any patient when any risk factor of prior overdose, substance misuse, or concomitant use of benzodiazepine is present.

D. If another prescription for an opioid is to be written beyond seven days, a TPA-certified optometrist shall:

1. Reevaluate the patient and document in the patient record the continued need for an opioid prescription; and

2. Check the patient's prescription history in the Prescription Monitoring Program.

E. The patient record shall include a description of the pain, a presumptive diagnosis for the origin of the pain, an examination appropriate to the complaint, a treatment plan, and the medication prescribed (including date, type, dosage, strength, and quantity prescribed).

F. Due to a higher risk of fatal overdose when opioids are prescribed for a patient also taking benzodiazepines, sedative hypnotics, tramadol or carisoprodol, a TPA-certified optometrist shall only co-prescribe these substances when there are extenuating circumstances and shall document in the patient record a tapering plan to achieve the lowest possible effective doses if these medications are prescribed.

**18VAC105-20-49. Prescribing an opioid for chronic pain.**

If a TPA-certified optometrist treats a patient for whom an opioid prescription is necessary for chronic pain, he shall either:

1. Refer the patient to a doctor of medicine or osteopathic medicine who is a pain management specialist; or

2. Comply with regulations of the Board of Medicine, 18VAC85-21-60 through 18VAC85-21-120 (see 33:16 VA.R. 1930-1931 April 3, 2017), if he chooses to manage the chronic pain with an opioid prescription.

**18VAC105-20-70. Requirements for continuing education.**

A. Each license renewal shall be conditioned upon submission of evidence to the board of 20 hours of continuing education taken by the applicant during the previous license period. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10 hours of continuing education for the next annual renewal cycle.

1. The 20 hours may include up to two hours of recordkeeping for patient care, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of



augmenting the licensee's income or promoting the sale of specific instruments or products.

2. For optometrists who are certified in the use of therapeutic pharmaceutical agents, at least 10 of the required continuing education hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, ~~or~~ new or advanced clinical devices, techniques, modalities, or procedures, or pain management.

3. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another.

4. A licensee may also include up to two hours of training in cardiopulmonary resuscitation (CPR).

5. Two hours of the 20 hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form. All continuing education shall be completed prior to December 31 unless an extension or waiver has been granted by the Continuing Education Committee. A request for an extension or waiver shall be received prior to December 31 of each year.

C. All continuing education courses shall be offered by an approved sponsor or accrediting body listed in subsection G of this section. Courses that are not approved by a board-recognized

sponsor in advance shall not be accepted for continuing education credit. For those courses that have a post-test requirement, credit will only be given if the optometrist receives a passing grade as indicated on the certificate.

D. Licensees shall maintain continuing education documentation for a period of not less than three years. A random audit of licensees may be conducted by the board which will require that the licensee provide evidence substantiating participation in required continuing education courses within 14 days of the renewal date.

E. Documentation of hours shall clearly indicate the name of the continuing education provider and its affiliation with an approved sponsor or accrediting body as listed in subsection G of this section. Documents that do not have the required information shall not be accepted by the board for determining compliance. Correspondence courses shall be credited according to the date on which the post-test was graded as indicated on the continuing education certificate.

F. A licensee shall be exempt from the continuing competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

G. An approved continuing education course or program, whether offered by correspondence, electronically or in person, shall be sponsored, accredited, or approved by one of the following:

1. The American Optometric Association and its constituent organizations.
2. Regional optometric organizations.
3. State optometric associations and their affiliate local societies.
4. Accredited colleges and universities providing optometric or medical courses.
5. The American Academy of Optometry and its affiliate organizations.
6. The American Academy of Ophthalmology and its affiliate organizations.
7. The Virginia Academy of Optometry.

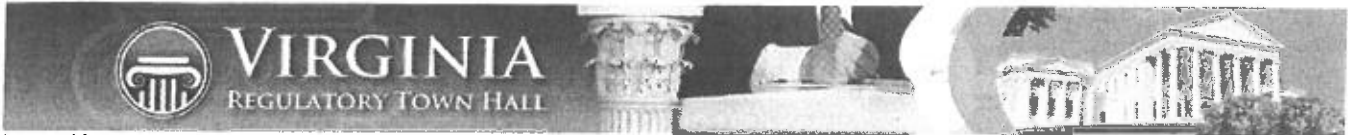
8. Council on Optometric Practitioner Education (COPE).
9. State or federal governmental agencies.
10. College of Optometrists in Vision Development.
11. The Accreditation Council for Continuing Medical Education of the American Medical Association for Category 1 credit.
12. Providers of training in cardiopulmonary resuscitation (CPR).
13. Optometric Extension Program.

H. In order to maintain approval for continuing education courses, providers or sponsors shall:

1. Provide a certificate of attendance that shows the date, location, presenter or lecturer, content hours of the course and contact information of the provider or sponsor for verification. The certificate of attendance shall be based on verification by the sponsor of the attendee's presence throughout the course, either provided by a post-test or by a designated monitor.
2. Maintain documentation about the course and attendance for at least three years following its completion.

I. Falsifying the attestation of compliance with continuing education on a renewal form or failure to comply with continuing education requirements may subject a licensee to disciplinary action by the board, consistent with § 54.1-3215 of the Code of Virginia.

Virginia.gov Agencies | Governor



Logged in as

Elaine J. Yeatts

**Agency** Department of Health Professions

**Board** Board of Optometry

**Chapter** Regulations of the Virginia Board of Optometry [18 VAC 105 – 20]

**Action:** Prescribing of opioids


Action 4892 / Stage 8035

**Emergency/NOIRA Stage**

- [Edit Stage](#)
- [Go to RIS Project](#)
- [Request Emergency Extension](#)

Documents		
<a href="#">Emergency Text</a>	8/25/2017 3:05 pm	<a href="#">Sync Text with RIS</a>
<a href="#">Agency Statement</a>	8/25/2017	<a href="#">Upload / Replace</a>
<a href="#">Attorney General Certification</a>	8/29/2017	
<a href="#">Governor's Approval Memo</a>	10/13/2017	
<a href="#">Registrar Transmittal</a>	10/16/2017	

Status	
<b>Public Hearing</b>	Will be held at the <b>proposed</b> stage
<b>Emergency Authority</b>	2.2-4011
<b>Exempt from APA</b>	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
<b>Attorney General Review</b>	Submitted on 8/25/2017 Review Completed: 8/29/2017 Result: Certified
<b>DPB Review</b>	Submitted on 8/29/2017 Policy Analyst: <a href="#">Melanie West</a> Review Completed: 9/8/2017  <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
<b>Secretary Review</b>	Secretary of Health and Human Resources Review Completed: 9/28/2017
<b>Governor's Review</b>	Review Completed: 10/13/2017 Result: Approved
<b>Virginia Registrar</b>	Submitted on 10/16/2017

	<b>The Virginia Register of Regulations</b>
	Publication Date: 11/13/2017  <b>Volume: 34 Issue: 6</b>
<b>Comment Period</b>	Ended 12/13/2017 0 comments
<b>Effective Date</b>	10/30/2017
<b>Expiration Date</b>	4/29/2019

<b>Contact Information</b>	
<b>Name / Title:</b>	Leslie L. Knachel / <i>Executive Director</i>
<b>Address:</b>	9960 Mayland Drive Suite 300 Richmond, VA 23233
<b>Email Address:</b>	<a href="mailto:leslie.knachel@dhp.virginia.gov">leslie.knachel@dhp.virginia.gov</a>
<b>Telephone:</b>	(804)367-4508 FAX: (804)527-4471 TDD: (-)

*This person is the primary contact for this board.*

14

**Agenda Item: Board Action on Petitions for Rulemaking**

**Included in your agenda package are 2 petitions:**

Petition from Jena Jung – requesting an inactive license and reactivation for military or spouse at no cost

There were no comments on this petition

Petition from Janet Swartz, National Glaucoma Society – requesting recognition as a CE provider

Copy of comment in support of the Glaucoma Society petition

**Board action:**

**Action to accept petitioners' requests to amend regulations or to deny requests with reasons for denial stated.**

Virginia.gov Agencies | Governor



Logged in as

Elaine J. Yeatts

Secretariat Health and Human Resources

Agency Department of Health Professions

Board Board of Optometry

Edit Petition

Petition 264

Petition Information	
<b>Petition Title</b>	Inactive licensure
<b>Date Filed</b>	12/5/2017 <a href="#">[Transmittal Sheet]</a>
<b>Petitioner</b>	Jena Jung, O.D.
<b>Petitioner's Request</b>	To amend regulations to allow a practitioner to request inactive licensure. The petitioner would also like for the Board to reactivate an inactive license for military persons or spouses at no additional cost.
<b>Agency's Plan</b>	<p>In accordance with Virginia law, the petition has been filed with the <a href="#">Register of Regulations</a> and will be published on December 25, 2017. Comment on the petition may be sent by email, regular mail or posted on the Virginia Regulatory Townhall at <a href="http://www.townhall.virginia.gov">www.townhall.virginia.gov</a>; comment will be requested until January 24, 2018.</p> <p>Following receipt of all comments on the petition to amend regulations, the Board will decide whether to make any changes to the regulatory language. This matter will be on the Board's agenda for its next meeting scheduled for March 2, 2018</p>
<b>Comment Period</b>	<p>Ended 1/24/2018</p> <p>0 comments</p>
<b>Agency Decision</b>	Pending
Contact Information	
<b>Name / Title:</b>	Leslie L. Knachel / Executive Director
<b>Address:</b>	9960 Mayland Drive Suite 300 Richmond, 23233
<b>Email Address:</b>	<a href="mailto:leslie.knachel@dhp.virginia.gov">leslie.knachel@dhp.virginia.gov</a>
<b>Telephone:</b>	(804)367-4508 FAX: (804)527-4471 TDD: (-)



# COMMONWEALTH OF VIRGINIA

## Board of Optometry

9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

(804) 367-4508 (Tel)  
(804) 527-4466 (Fax)

### Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition.

**Please provide the information requested below. (Print or Type)**

Petitioner's full name (Last, First, Middle initial, Suffix,)

Jung, Jena M.

Street Address

9526 Vervain St.

City

San Diego

Area Code and Telephone Number

240-561-3141

State

CA

Zip Code

92129

Email Address (optional)

jenajung@gmail.com

Fax (optional)

### Respond to the following questions:

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

I would like to amend 54.1-117 *Expiration of documents issued to persons in diplomatic service and the armed services of the United States.*

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

Currently this law states that if the armed forces member or spouse has orders outside of the United States than their license will not expire while they are out of the country up to 5 years. I am an optometrist and also a military spouse. I have been licensed in 4 states (Ohio, Maryland, Virginia and California) in 12 years. The fees to relicense in a new state add up and many of times there is a gap in employment due to moves and getting settled. I would like to amend this law so that if a member of the armed forces or their spouse/partner move outside of Virginia, that their license will not expire. I recommend that the Board can put their license in an inactive status at no cost to the armed forces member or spouse so that if they do return to Virginia, they may easily renew or reinstate their license with proof of the last years required continuing education.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

Signature:

*Jena Jung O.D.*

Date:

11/22/17



Virginia.gov Agencies | Governor



Logged in as

Elaine J. Yeatts

Secretariat Health and Human Resources

Agency Department of Health Professions

Board Board of Optometry

[Edit Petition](#)

Petition 263

Petition Information	
<b>Petition Title</b>	Inclusion of the National Glaucoma Society as approved provider of CE
<b>Date Filed</b>	10/31/2017 <a href="#">[Transmittal Sheet]</a>
<b>Petitioner</b>	Janet Swartz, National Glaucoma Society
<b>Petitioner's Request</b>	To amend section 70 to add the National Glaucoma Society to the list of approved providers of continuing education or to include a new category for non-profit optometric organizations.
<b>Agency's Plan</b>	In accordance with Virginia law, the petition has been filed with the <a href="#">Register of Regulations</a> and will be published on November 27, 2017. Comment on the petition may be sent by email, regular mail or posted on the Virginia Regulatory Townhall at <a href="http://www.townhall.virginia.gov">www.townhall.virginia.gov</a> ; comment will be requested until December 20, 2017.  Following receipt of all comments on the petition to amend regulations, the Board will decide whether to make any changes to the regulatory language. This matter will be on the Board's agenda for its next meeting following comment, scheduled for March 2, 2018.
<b>Comment Period</b>	Ended 12/20/2017  <a href="#">3 comments</a>
<b>Agency Decision</b>	Pending

Contact Information	
<b>Name / Title:</b>	Leslie L. Knachel / <i>Executive Director</i>
<b>Address:</b>	9960 Mayland Drive Suite 300 Richmond, 23233
<b>Email Address:</b>	<a href="mailto:leslie.knachel@dhp.virginia.gov">leslie.knachel@dhp.virginia.gov</a>
<b>Telephone:</b>	(804)367-4508 FAX: (804)527-4471 TDD: (-)



# COMMONWEALTH OF VIRGINIA

## Board of Optometry

9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

(804) 367-4508 (Tel)  
(804) 527-4466 (Fax)

### Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow write comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition.

<b>Please provide the information requested below. (Print or Type)</b>		
Petitioner's full name (Last, First, Middle initial, Suffix.)		
<i>JANET P. SWARTZ, NATIONAL GLAUCOMA SOCIETY</i>		
Street Address	Area Code and Telephone Number	
<i>P.O. Box 4092</i>	<i>978-470-3500</i>	
City	State	Zip Code
<i>ANDOVER</i>	<i>MA</i>	<i>01810</i>
Email Address (optional)	Fax (optional)	
<i>INFO@NATIONALGLAUCOMA SOCIETY.ORG</i>		

**Respond to the following questions:**

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

*VAC AC 105-20-70 Requirements for Continuing Education. Section G*

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

*The National Glaucoma Society requests being added as an approved provider of continuing education in Virginia, either by being directly listed as a specific provider under 105-20-70 (G) or by the inclusion of a new category under 105-20-70 (G) for non-profit optometric organizations. The National Glaucoma Society is one of a very small group of organizations that offer live, interactive webinars for optometrists. By including the National Glaucoma Society as an approved CE provider, optometrists in Virginia would have more options for participating in real-time, interactive presentations, as required by 18VAC105-20-70 (A.3).*

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

*Statutory Authority: § 54.1-2400 and Chapter 32 of Title 54.1 of the Code of Virginia*

Signature:

*Janet P. Swartz*

Date:

*10.25.17*



P.O. Box 4092  
Andover, MA 01810

Fax: 978-470-4520  
Toll-free: 877-825-2020

[www.NationalGlaucomaSociety.org](http://www.NationalGlaucomaSociety.org)  
[info@NationalGlaucomaSociety.org](mailto:info@NationalGlaucomaSociety.org)

October 25, 2017

Leslie Knachel, Executive Director  
Virginia Board of Optometry  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233

Dear Ms. Knachel,

This letter is a request for the National Glaucoma Society to become an approved continuing education provider for optometrists in Virginia and provides additional information to the Petition for Rule-making that is attached.

#### **Description of Sponsoring Agency**

The National Glaucoma Society (NGS) is a nonprofit organization dedicated to the advancement of knowledge and patient care among health care professionals in subjects relating to glaucoma through the support of educational seminars, electronic media, and dissemination of clinical research. Established in 2004, the NGS has offered continuing education to more than 10,000 optometrists through on-site programs and live webinars.

As one of the largest nonprofit providers of continuing education in the United States, the NGS has been at the forefront of Live CE online and has worked with the top educators and clinicians to provide the highest quality education available. Our schedule for the fall of 2017 includes the following live webinars by a group of outstanding lecturers:

- September 20: Paul Karpecki, OD, FAAO: *A Treasure Chest of Technological Innovations in Eye Care*
- October 4: J. James Thimons, OD, FAAO: *Surgical Advances in Glaucoma Therapy*
- October 18: Brian Mathie, OD, FAAO: *The Incredible eyePhone*
- November 1: Anthony Litwak, OD, FAAO: *Neuro-Ocular Grand Rounds*
- November 15: Eric Schmidt, OD, FAAO: *Iritis, Iritis, Iritis*
- December 6: J. James Thimons, OD, FAAO: *Ocular Pain Management*
- December 13: Blair Lonsberry, OD, FAAO: *Oral Pharmaceuticals in Anterior Segment Disease*

All of these courses meet COPE requirements for course qualification. In addition, all NGS webinars are selected to present leading-edge scientific knowledge to improve optometric clinical practice and patient outcomes.

#### **Program Administration**

J. James Thimons, OD, a co-founder and Chairman of the National Glaucoma Society, plans the educational content of all programs. Dr. Thimons is the Medical Director of Ophthalmic Consultants of Connecticut and a well-known speaker at optometric continuing education programs in the United States, Canada and Australia. He has authored numerous articles on eye care that have appeared in national and international publications.

Bud O'Leary, OD, a co-founder and Director of the National Glaucoma Society, is the host of all of the live webinars. Dr. O'Leary founded and has operated one of the largest private optometric practices in Massachusetts for more than 35 years.

Janet Swartz, EdD, has been the Executive Director of the National Glaucoma Society since it began in 2004. With a doctorate in Educational Research and Evaluation, Dr. Swartz worked for a policy research firm for 15 years prior to joining the NGS. In that capacity, she organized training conferences in testing and research methods, wrote proposals and reports for federal and state evaluations, and managed budgets and personnel.

### **Delivery Method of Lectures and Active Participation**

All of the NGS webinars are streamed live over the Internet using Cisco WebEx technology. For each live webinar, participating optometrists are able to interact directly with the speaker in real time as well as view the PowerPoint presentation and listen to the lecture via audio. The NGS webinars are open to all optometrists, up to the maximum number of 200 participants per webinar.

As host of the live webinars, Dr. O'Leary interacts with the speaker at the start of the lecture to ensure all of the technology is functioning, monitors the content of the lecture to ensure information is clear, poses questions to the participating doctors during the lecture, and checks that questions from the participating doctors are addressed by the lecturer. Dr. Swartz provides technical assistance for all of the National Glaucoma Society live webinars to ensure that participating doctors are able to log into the technology, see and hear the lecture, and understand how to ask questions of the speaker.

### **Monitoring Attendance**

All attendees must reply to random questions by the host during the webinar to confirm their continued presence during the lecture. Participants must remain on the webinar for at least 50 minutes in order to receive CE credit. Dr. Swartz monitors the live webinar to confirm that all doctors (1) are on the webinar with full audio and video capacity within 10 minutes of the start of the lecture, (2) answer the questions posted by the webinar host, Dr. O'Leary, and (3) remain on the webinar until the end of the lecture. After the webinar, Dr. Swartz obtains a WebEx report to verify that all attendees remained on the webinar for at least 50 minutes.

### **Obtaining CE Credit**

A CE certificate is mailed to participating optometrists after the webinar, with either a state approval code listed or the optometric regulations allowing CE credit for live webinars cited. Only doctors in states or provinces that either directly approve the NGS live webinars or approve live webinars by statute receive CE credit. This information is posted on the NGS website.

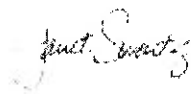
### **Virginia Optometry Regulations**

The Virginia Optometry Regulations 18VAC105-20-70(A.3) require that at least 10 hours of continuing education are obtained through real-time, interactive activities, including electronic presentations, provided that the lecturer and licensee can communicate with one another during the course of the presentation. The NGS live webinars meet this criterion.

We believe that the NGS is among a very small group of organizations that offer live, interactive webinars. As such, we have been contacted by several optometrists in Virginia who would like to participate in one of our live webinars. However, since the NGS webinars are not sponsored, accredited or approved by any of the organizations listed in 18VAC105-20-70 (G), we have discouraged doctors from participating and indicated that we cannot issue CE credits for their attendance.


The National Glaucoma Society requests Board approval as a provider of continuing education so that Virginia optometrists can take advantage of the NGS webinars. This could entail the National Glaucoma Society being named directly in 18VAC105-20-70 (G) or under a new category that authorizes nonprofit optometric associations to be approved providers.

Thank you for your time and consideration.



Janet Swartz, EdD  
Executive Director

J. James Thimons, OD, FAAO  
Chairman



Bud O'Leary, OD  
Director

Virginia.gov Agencies | Governor



Logged in as

Elaine J. Yeatts

**Agency** Department of Health Professions**Board** Board of Optometry**Chapter** Regulations of the Virginia Board of Optometry [18 VAC 105 - 20]All good comments for this forum [Show Only Flagged](#)[Back to List of Comments](#)**Commenter:** Courtney Melchione

11/30/17 5:39 pm

**Approval of NGS for Virginia license renewal**

I would utilize the courses offered by this organization towards my Virginia license renewal if it were to be approved. I have found their courses academic and relevant, taught by experts in the field and covering the newest developments pertaining to glaucoma.

**Commenter:** Rob Sawyer, OD

11/30/17 9:34 pm

**National Glaucoma Society petition**

Please approve the National Glaucoma Society. They will provide excellent educational opportunities to help doctors keep up to date on glaucoma treatment. Recognized experts will teach the courses. Better education for the clinician will translate to better patient care.

**Commenter:** Veronica Fowler, OD

12/3/17 9:32 pm

**National Glaucoma Society**

The National Glaucoma Society provides excellent continuing education. Please approve the National Glaucoma Society webinar CE. The courses provide great educational opportunities for optometrist.



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

### MEMORANDUM

TO: Members, Board of Optometry

FROM: David E. Brown, D.C.

DATE: August 11, 2017

SUBJECT: Revenue, Expenditures, & Cash Balance Analysis

Virginia law requires that an analysis of revenues and expenditures of each regulatory board be conducted at least biennially. If revenues and expenditures for a given board are more than 10% apart, the Board is required by law to adjust fees so that the fees are sufficient, but not excessive, to cover expenses. The action by the Board can be a fee increase, a fee decrease, or it can maintain the current fees.

The Board of Optometry ended the 2014 - 2016 biennium (July 1, 2014, through June 30, 2016) with a cash balance of \$529,791. Current projections indicate that revenue for the 2016 - 2018 biennium (July 1, 2016, through June 30, 2018) will exceed expenditures by approximately \$31,957. When combined with the Board's \$529,791 cash balance as of June 30, 2016, the Board of Optometry projected cash balance on June 30, 2018, is \$561,748.

We recommend the Board consider a one-time renewal fee decrease. Please note that these projections are based on internal agency assumptions and are, therefore, subject to change based on actions by other state agencies, the Governor and/or the General Assembly.

We are grateful for continued support and cooperation as we work together to manage the fiscal affairs of the Board and the Department.

Please do not hesitate to call me if you have questions.

CC: Leslie Knachel, Executive Director  
Lisa R. Hahn, Chief Deputy Director  
Charles E. Giles, Budget Manager  
Elaine Yeatts, Senior Policy Analyst

Virginia Department of Health Professions  
Cash Balance  
As of December 31, 2017

	<b>105- Optometry</b>
<b>Board Cash Balance as June 30, 2017</b>	\$ 532,903
<b>YTD FY18 Revenue</b>	322,715
<b>Less: YTD FY18 Direct and Allocated Expenditures</b>	210,123
<b>Board Cash Balance as December 31, 2017</b>	645,495

Virginia Department of Health Professions  
Cash Balance  
As of June 30, 2017

	<b>105- Optometry</b>
<b>Board Cash Balance as of June 30, 2016</b>	\$ 529,791
<b>YTD FY17 Revenue</b>	353,390
<b>Less: YTD FY17 Direct and In-Direct Expenditures</b>	350,278
<b>Board Cash Balance as June 30, 2017</b>	532,903



Association of Regulatory Boards of Optometry, Inc.

HOT LINKS

- OE TRACKER Login
- COPE Reviewer Login
- COPE Administrator Login
- ARBO Member Board Login
- OE TRACKER Mobile App
- Fall 2017 GreenSheet
- OE TRACKER APP Comments

2018 ARBO Annual Meeting

ARBO 2018 Annual Meeting  
"Evolution of Regulation: New Demands/New Opportunities"

June 17-19, 2018  
Sheraton Downtown Denver  
Denver, Colorado

Please join us for the 99th ARBO Annual Meeting in Denver, Colorado. Members and staff of Regulatory Boards of Optometry in the United States, Canada, Australia, and New Zealand are invited to attend this important meeting. The ARBO Annual Meeting provides an excellent forum for keeping up-to-date with regulatory issues. This is a great opportunity to interact with your regulatory colleagues discussing hot topics and shared concerns in the regulatory community.

Meeting Agenda COMING SOON

Travel Stipend/Scholarship Information COMING SOON

Meeting Registration: Complete the delegate registration form to register both voting and non-voting delegates who will be attending the meeting. The registration fee for the 2018 meeting is \$475 for both voting and non-voting delegates.

**SPECIAL RATE:** Register one delegate by May 18, 2018 and pay the full \$475 registration fee and get a second delegate registration at no charge!

Online Delegate Registration [Online Delegate Registration](#)

Printable Delegate Registration Form

Non-Member/Observer Registration: The registration fee for non-members/observers is \$550.00. Please fill out the registration form and fax or email it to the ARBO office.

Hotel Reservation Information: Rooms are being held at the Sheraton Downtown Denver for attendees of the ARBO Annual Meeting at a group rate of \$189 (+ taxes and fees) per night (single/double). In order to take advantage of the group rate, you must make your room reservation before Saturday May 26, 2018

Online Reservations: To make, modify or cancel your hotel reservation online please visit <https://www.starwoodmeeting.com/Book/arbo>

Phone Reservations: To make your reservation by phone call 888-627-8405 and reference ARBO.





## Association of Regulatory Boards of Optometry

200 South College Street  
Suite 2030  
Charlotte, NC 28202

Tel: (704) 970-2710  
Fax: (704) 970-2720  
Email: [arbo@arbo.org](mailto:arbo@arbo.org)

### John D. Robinson Founder's Scholarship

ARBO has established the Founder's Scholarship in honor of Dr. John D. Robinson, former member of the Board of Directors, long-time Secretary, and ARBO Life Member. The scholarship will be given to one person each year from an active ARBO member board who demonstrates the same passion and vision for the regulation of optometry that Dr. Robinson exemplified.

#### Founder's Scholarship Details:

ARBO Member Boards may nominate one of their Board members or staff for the scholarship. The recipient of the award will receive the following:

- Complimentary registration for the Annual Meeting
- Accommodations for up to three nights at the meeting hotel
- Airfare to the meeting city (coach class, reservation must be made at least 2 weeks in advance of the meeting)

#### Founder's Scholarship Criteria:

- Must be a Board member or staff person of an ARBO Member Board in good standing for at least 3 years.
- Candidate must be nominated by the leadership of an ARBO Member Board.
- Nominations must be submitted by March 9, 2018.
- Submit a letter on your Board letterhead stating why you feel the candidate should be given the scholarship.
- Include the following in your letter:
  - Background information on your candidate— length of time on your Board, positions held, involvement in ARBO activities, etc.
  - Regulatory Board program support— Briefly explain any programs/projects for which your candidate has made significant contributions to your regulatory Board.
  - Community/Civic Involvement— List any community and/or civic activities your candidate is involved with.
  - Provide any additional information that you would like the committee to know about your candidate.
- The ARBO Annual Meeting Planning Committee will review applications and recommend a recipient to the ARBO Board of Directors for their final approval.
- The recipient will be notified by April 20, 2018.

To be considered for the scholarship for the 2018 ARBO Annual Meeting, please submit your nominations to Lisa Fennell, ARBO Executive Director, by email: [lfennell@arbo.org](mailto:lfennell@arbo.org) or fax: 888-703-4848 no later than March 9, 2018.

**Criteria for this report:**

License Status = Current Active, Current Inactive, Probation - Current Active, Adverse Findings - Current Active, Current Active-RN Privilege and Expiration Date >= Today or is null.

**License Count Report for Optometry**

Board	Occupation	State	License Status	License Count
<b>Optometry</b>				
<b>Optometrist</b>				
	Optometrist	Virginia	Current Active	19
	Optometrist	Out of state	Current Active	84
	Total for Optometrist			103
<b>Professional Designation</b>				
	Professional Designation	Virginia	Current Active	248
	Professional Designation	Out of state	Current Active	1
	Total for Professional Designation			249
<b>TPA Certified Optometrist</b>				
	TPA Certified Optometrist	Virginia	Current Active	1,123
	TPA Certified Optometrist	Virginia	Probation - Current Active	3
	TPA Certified Optometrist	Out of state	Current Active	366
	Total for TPA Certified Optometrist			1,492
Total for Optometry				1,844

License Type	FY2012	FY2013	FY2014	FY2015	2016	FY2017	2018
Optometrist	163	150	143	131	124	117	103
Optometrist - Volunteer	0	0	0	0	0	0	0
Profession Designation	230	245	251	250	247	266	249
TPA Certified Optometrist	1434	1480	1512	1527	1486	1538	1492
Total	1827	1875	1906	1908	1857	1921	1844